

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:) CHAPTER 13
ELEASE WILLIAMS) CASE NUMBER A18-59331-JWC
)
DEBTOR)

MOTION TO DISMISS

COMES NOW Nancy J. Whaley, Standing Chapter 13 Trustee, in the above styled case, and respectfully shows the Court as follows:

1.

Debtor filed a petition for relief under Chapter 13 of Title 11.

2.

Debtor's plan will exceed sixty (60) months by two (2) months in violation of 11 U.S.C. Sections 1322(d)(2)(c) and 1307(c).

3.

Debtor has failed to tender all plan payments due in accordance with the confirmed plan. As of 3/7/2023 the Trustee received a total of \$35,458.00. The Trustee's records indicate the amount delinquent is \$3,562.00. A receipt history is attached and marked exhibit A.

Wherefore, the Trustee prays that this case be dismissed or in alternative that the Debtor proposes a modification to meet the requirements of the confirmed plan that ensures that the plan is completed within the allowable time.

This the 9th day of March, 2023.

/s/ _____
Lisa B. Burnette
Attorney for the Chapter 13 Trustee
State Bar No. 096192
303 Peachtree Center Avenue, NE - Suite 120
Atlanta, GA 30303
678-992-1201
lburnette@njwtrustee.com

EXHIBIT "A"

CASE NO: A18-59331-JWC
ELEASE WILLIAMS

03/07/2023

RECEIPT HISTORY OVER THE LAST 12 MONTHS

<u>DATE</u>	<u>TYPE</u>	<u>SOURCE</u>	<u>AMOUNT</u>
February 03, 2023	EPAYPR	8977468000Plan	\$755.00
December 02, 2022	EPAYPR	8852664000Plan	\$755.00
October 03, 2022	EPAYPR	8744235000Plan	\$755.00
September 02, 2022	EPAYPR	8686520000Plan	\$755.00
June 23, 2022	EPAYPR	8544972000Plan	\$755.00
May 26, 2022	EPAYPR	8488623000Plan	\$755.00
April 28, 2022	EPAYPR	8428951000Plan	\$755.00
March 24, 2022	EPAYPR	8358700000Plan	\$755.00
Receipt Total:			<hr/> \$6,040.00

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:	:	CASE NO. 18-59331
	:	
PLEASE WILLIAMS	:	CHAPTER 13
	:	
Debtor(s).	:	JUDGE JWC
<hr/>	:	
	:	
NANCY WHALEY, TRUSTEE	:	
	:	
Movant(s),	:	
v.	:	CONTESTED MATTER
	:	
PLEASE WILLIAMS	:	
	:	
Respondant(s),	:	
<hr/>	:	

NOTICE OF HEARING

PLEASE TAKE NOTICE that Nancy J. Whaley, Standing Chapter 13 Trustee, has filed a Motion to Dismiss with the Court seeking an order of dismissal.

PLEASE TAKE FURTHER NOTICE that the Court will hold an initial telephonic hearing for announcements on the Motion to Dismiss at the following number: toll-free number: **833-568-8864**; meeting id: **160 459 5648**; at 10:10 AM on April 18, 2023 in Courtroom 1203, United States Courthouse, 75 Ted Turner Drive, SW Atlanta, GA 30303.

Matters that need to be heard further by the Court may be heard by telephone, by video conference, or in person, either on the date set forth above or on some other day, all as determined by the Court in connection with this initial telephonic hearing. Please review the “Hearing Information” tab on the judge’s webpage, which can be found under the “Dial-in and Virtual Bankruptcy Hearing Information” link at the top of the webpage for this Court, www.ganb.uscourts.gov for more information.

Your rights may be affected by the court's ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the court to grant the relief sought in these pleadings or if you want the court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk at least two business days before the hearing. The address of the Clerk's Office is Clerk, U.S. Bankruptcy Court, Suite 1340, 75 Ted Turner Drive, Atlanta, GA 30303. You must also mail a copy of your response to the undersigned at the address stated below.

This the 9th day of March, 2023.

/s/ _____
Lisa B. Burnette
Attorney for the Chapter 13 Trustee
State Bar No. 096192
303 Peachtree Center Avenue, NE - Suite 120
Atlanta, GA 30303
678-992-1201
lburnette@njwtrustee.com

CERTIFICATE OF SERVICE

Case No: A18-59331-JWC

I certify that on this day I caused a copy of this Chapter 13 Trustee's Motion to Dismiss to be served via United States First Class Mail with adequate postage prepaid on the following parties at the address shown for each:

ELEASE WILLIAMS
3345 VALLEY BEND RD
ATLANTA, GA 30349

I further certify that I have on this day electronically filed the foregoing Chapter 13 Trustee's Motion to Dismiss using the Bankruptcy Court's Electronic Case Filing program, which sends a notice of this document and an accompanying link to this document to the following parties who have appeared in this case under the Bankruptcy Court's Electronic Case Filing program:

Attorney for the Debtor(s):

SLIPAKOFF & SLOMKA, PC

This the 9th day of March, 2023.

/s/ _____
Lisa B. Burnette
Attorney for the Chapter 13 Trustee
State Bar No. 096192
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Atlanta, GA 30303
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